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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,356	08/08/2005	Milo Sebastian Peter Shaffer	011765-0314577	9306

909 7590 08/26/2009
PILLSBURY WINTHROP SHAW PITTMAN, LLP
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MCLEAN, VA 22102

EXAMINER

VETTER, ROBERT A

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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08/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Examiner's Comments

An after final amendment, amending claims 1 and 23-25 and cancelling claimed 6, 18 and 26 was received on 8/12/2009. However, because these amendments present new issues for further search and consideration, they have not been entered at this time. The proposed new limitation "wherein the catalyst is not pre-treated with hydrogen gas" would raise a new issue under 35 USC 112, 1st paragraph because it is not supported by the specification. The fact that the specification fails to mention the use of hydrogen gas is not sufficient to support the affirmative limitation that hydrogen gas is not used as is claimed.

Response to Arguments

1. Applicant's arguments filed 8/12/2009 have been fully considered but they are not persuasive.
2. Applicant first argues that Resasco, Tennant I and Tennant II fail to teach that hydrogen gas is not used to pretreat the catalyst. While the examiner agrees that these references teach that the catalyst is pre-treated with hydrogen, this argument is considered moot because the amendments containing this limitation have not been entered at this time.
3. Applicant also argues that there is no objective reason to combine the teaching of Kawakami with Resasco because Kawakami teaches a method which is operated at an elevated pressure. This is not persuasive. Kawakami explains that it is well known in the art that elution can be used to collect nanoparticles. Even if Kawakami teaches a method which is performed at a higher pressure than Resasco, one of ordinary skill in the art would still understand that elution could be used to collect the nanoparticles after the method of forming said nanoparticles had been completed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT VETERE whose telephone number is (571)270-1864. The examiner can normally be reached on Mon-Fri 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

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/Robert Vetere/
Examiner, Art Unit 1792

/Michael Cleveland/
Supervisory Patent Examiner, Art Unit 1792